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ROBERT V. ZENER
ATTORNEY-AT-LAW

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July 11, 1997

By Hand Delivery

Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Dear Sir:

Re: Docket RM 9101

Enclosed is the original signed copy of the Declaration of Joseph Kahl. It should be substituted for the faxed copy enclosed with the original Comments of KMC Telecom, Inc. and RCN Telecom Services, Inc. filed in this docket yesterday.

Respectfully submitted,



Robert V. Zener

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Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Petition for Expedited Rulemaking)
To Establish Reporting Requirements and) RM 9101
Performance and Technical Standards for)
Operations Support Systems)

DECLARATION OF JOSEPH KAHL

Joseph Kahl declares that:

1. My name is Joseph Kahl. I am the Director of Regulatory Affairs for RCN Telecom Services, Inc. ("RCN"), working in RCN's office in Princeton, N.J. My responsibilities primarily include managing RCN's regulatory affairs in New York, Massachusetts, and Pennsylvania.

2. In connection with developing RCN's comments on the Petition for Expedited Rulemaking of LCI International Telecom Corp. and the Competitive Telecommunications Association (RM 9101), I gathered information from persons employed by RCN regarding their experience interfacing with the Operational Support Systems ("OSS") deployed by the subsidiaries of NYNEX Corporation ("NYNEX") in New York and Massachusetts. In addition, I drew upon the sworn testimony of my colleague, Michael Daily, given to the New York Public Service Commission.¹ In this affidavit, I have summarized all of the foregoing information.

¹ See Petition of New York Telephone Company for approval of its statement of generally available terms and conditions pursuant to Section 252 of the Telecommunications Act of 1996 and Draft Filing of Petition for InterLATA Entry pursuant to Section 271 of the Telecommunications Act of 1996, Case 97-C-0271, Minutes of Technical Conference (April 2, 1997) ("Technical Conference Minutes") (relevant portions attached hereto as Exhibit A).

3. RCN has experience with the primary OSS-like mechanism that NYNEX has deployed for resellers: the Web Graphic User Interface ("GUI").

4. NYNEX's Web GUI purports to provide competitors with "on-line" access to NYNEX's OSS (via the World Wide Web), but is really nothing more than an electronic mail-based equivalent of a facsimile machine. Resellers may input service orders (and even obtain new telephone numbers for customers), but NYNEX merely prints these orders and has its people manually input them into the OSS it actually uses for its own operations.² The GUI is thus extremely slow and entirely lacks the capability to provide "real-time" status reports on service installations.

5. To date, RCN has experienced five types of problems with the GUI: (1) the GUI often issues "bad" telephone numbers to RCN; (2) RCN cannot track NYNEX's installers; (3) the GUI issues meaningless and misleading confirmations that service has been installed; (4) the GUI will not accept trouble tickets; and (5) RCN's attempts to interconnect with the GUI via a dedicated line have met with significant delays.

6. First, when RCN places an order for new service, the GUI issues a telephone number for that order. On many occasions, the issued number is "bad" — that is, it is already in use by another customer or is otherwise unusable for the order. Unfortunately, RCN has no way to determine from the GUI whether a number is bad. RCN generally is alerted to such situations only on the due date or afterwards, when the NYNEX installers must be re-scheduled to come to the customer's premises on another occasion. At that point, RCN must work with NYNEX to re-

² Technical Conference Minutes, at 389.

schedule the installation — a task that it cannot do electronically over the GUI. Nevertheless, its customer has already suffered the inconvenience of spending a half-day waiting for installers that never arrived.

7. Second, although the GUI issues a due date for service, RCN, unlike NYNEX, has no way of tracking NYNEX's installers. Beyond the half-day window specified by the GUI, RCN cannot tell customers when, *or even if*, NYNEX's people will arrive at the customers premises on the due date. NYNEX, on the other hand, can provide customers with status updates, throughout the day on the due date, to provide a more precise indication of when the installers will arrive at the customer's premises. By contrast, RCN learns that NYNEX has missed a due date, or arrived at the wrong time (when the customer is not present to provide access to the premises), only when the customer reports that service has not been turned up on the following day.

8. Third, the GUI issues confirmations of service installations to RCN that are so often incorrect that they are meaningless.³ Because the GUI is not connected to NYNEX's actual OSS, it has no way of knowing whether service was ever truly installed.

9. Fourth, the GUI will not accept trouble tickets. If a technical problem exists in a customer's line, RCN must engage in a "combination of faxing, chasing down the appropriate repair personnel via phone and following through on the system like that."⁴ RCN has no way of allocating maintenance and repair personnel resources electronically, the way that NYNEX does.

³ Technical Conference Minutes, at 390.

⁴ Technical Conference Minutes, at 388.

This lack of access to NYNEX's OSS imposes additional delay on RCN's customers, as they wait for repair services to be dispatched — a situation which NYNEX's customers do not experience.

10. Fifth, RCN has sought direct access to the GUI, via a dedicated line, but has experienced significant delays in achieving such interconnection. To be specific, on March 13, 1997, RCN ordered a dedicated T-1 circuit⁵ to connect its office at 419 Boylston Street, Boston, MA to the GUI via NYNEX's data center in Burlington, MA. At the direction of NYNEX's account team in White Plains, NY, RCN ordered *this* T-1 circuit from its interexchange carrier contacts at NYNEX's headquarters in New York City. As the NYNEX account team later admitted, this ordering procedure specified by NYNEX was improper. On May 12, 1997, RCN re-ordered the T-1 circuit from the NYNEX business office in Boston. The T-1 circuit has yet to be provisioned, even though fifty-two days have passed since RCN re-ordered it. In the meantime, RCN has had no choice but to order wholesale service for customers by connecting to the GUI with a normal computer modem. However, so-called "dial-up" interconnection of the sort is an extremely slow, entirely unreliable and commercially unreasonable ordering procedure.

⁵ Circuit Identification No. 95HCGL204482, Order No. N5BT9566.

Unfortunately, NYNEX does not have any sort of process in place to ensure that a carrier like RCN can access the GUI directly in a timely fashion.

Pursuant to 47 C.F.R. § 1.16, I declare under penalty of perjury that the foregoing is true and correct. Executed on: July 10, 1997.


Joseph Kahl
Director of Regulatory Affairs